

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
PHILLIP HYDE,)
Defendant,)
and)
BICKNELL & SMITH,)
Garnishee)

)
Criminal Docket No.
04-10074-JLT

MOTION TO BE HEARD, OR, IN THE ALTERNATIVE, TO INTERVENE

The Board of Trustees of the Public School Teachers' Pension and Retirement Fund of Chicago (the "Fund"), hereby moves to be heard in this action pursuant to 28 U.S.C. § 3771, or, in the alternative, to intervene herein pursuant to Fed. R. Civ. P. 24(a). As grounds for this Motion, the Fund respectfully submits that as a victim of defendant Phillip Hyde's ("Hyde") lengthy and admitted fraud it has the right to be heard in these matters, and that its rights could be prejudiced in the absence of its appearance herein. The Court is respectfully referred to the accompanying Memorandum of Law submitted by the Fund in support of this Motion.

In accordance with Local Rules 7.1 and 112.1, counsel for the Fund has conferred with counsel for Hyde and the United States Attorney in advance of filing this motion. Counsel for Hyde indicated that he would not oppose the motion, and the United States Attorney indicated that he would support the motion.

Dated: December 20, 2005

Respectfully submitted,

THE BOARD OF TRUSTEES OF THE PUBLIC
SCHOOL TEACHERS' PENSION AND
RETIREMENT FUND OF CHICAGO,

By its attorneys,

CRAIG AND MACAULEY
PROFESSIONAL CORPORATION

/s/ Joseph J. Koltun

William R. Moorman, Jr. (BBO#548593)

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CERTIFICATE OF SERVICE

I hereby certify that on this day I caused a true and accurate copy of the foregoing *Motion to Be Heard, or, In the Alternative, to Intervene*, to be served on the parties set forth below at the addresses indicated by first-class United States mail postage prepaid on December 20, 2005:

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Dated: December 20, 2005

/s/ Joseph J. Koltun

Joseph J. Koltun